

REMARKS

Claims 2 and 48 to 61 were pending in this application before entry of the present amendment. New claim 62 has been added by the present amendment. Support for the new claim can be found in the specification as originally filed, *e.g.*, p. 4, lines 28-32; and page 13, line 8. No new matter has been presented by the present amendment. After entry of the present amendment, claims 2 and 48 to 62 will be pending in the present application.

The Restriction Requirement

The Examiner has required an election under 35 U.S.C. § 121 of one of the following inventions:

Invention I: Claim 2, drawn to an isolated virus corresponding to the genus *Metapneumovirus*, classified in class 435, subclass 235.1; and

Invention II: Claims 48-61, drawn to a method to detect or monitor metapneumovirus, classified in class 435, subclass 5.

Applicants hereby elect to prosecute Invention II (Claims 48-61, drawn to a method to detect or monitor metapneumovirus).

The Examiner has further required the election of one of the sequences listed in claims 59-61. In order to be fully responsive, Applicants hereby elect with traverse the sequence of the N protein (subsection (a) in claims 59-61). Claims readable on this species are claims 59-61. However, in case the requirement for election of a single sequence is maintained, Applicants request that new claim 62 be examined.

The subject matter of the species are related; searching all of these species together would not place a serious burden on the Examiner within the meaning of M.P.E.P. Section 803 because all these sequences are sequences of the newly identified mammalian metapneumovirus. Thus, Applicants respectfully request reconsideration of the requirement for election of a single sequence, and that all the sequences recited in claims 59-61 be examined together. Applicants retain the right to petition from the restriction requirement under 37 C.F.R. §1.144.

Applicants have added new claim 62. The sequence of new claim 62 is the genome of the newly discovered mammalian metapneumovirus. Thus, claim 62 recites only a single

sequence. Should the Examiner maintain the request for election of a sequence, Applicants hereby request that new claim 62 be examined.

CONCLUSION

Applicants respectfully request that the above remarks and amendments be entered and made of record in the present application file.

Respectfully submitted,

Date: December 5, 2006

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)
JONES DAY *by L.A.C.*
222 East 41st Street
New York, New York 10017 *Reg. No. 50,170*
(212) 326-3939